

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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MAIL PROCESSING NETWORK  
RATIONALIZATION SERVICE CHANGES, 2012

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Docket No. N2012-1

**OBJECTION OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
TO USPS/APWU-RT3-9**  
(May 24, 2012)

The American Postal Workers Union, AFL-CIO (APWU) hereby objects to United States Postal Service interrogatory USPS/APWU-RT3-9, filed on May 14, 2012. The interrogatory is stated verbatim and followed by a statement of the grounds for the objection.

**USPS/APWU-RT3-9.**

(a) Please provide a copy of the contract and statement of work pursuant to which your testimony for APWU was developed for purposes of this docket.

(b) Please provide a copy of the contract and statement of work pursuant to which your network modeling analysis for the USPS Office of Inspector General was performed.

The APWU objects to this interrogatory as irrelevant to the issues presented in this docket and to the rebuttal testimony of Mr. Kacha. APWU further objects to this interrogatory because it seeks privileged, commercial sensitive information which, under good business practices, would not be disclosed.

Rule 25 of the Commission's Rules of Practice and Procedure ("Rules") permits "discovery reasonably calculated to lead to admissible evidence during a noticed proceeding." Rule 26 further provides that a party may propound interrogatories "requesting **nonprivileged** information **relevant to the subject matter** in such proceeding." [emphasis added.] Postal Service interrogatory USPS/APWU-RT3-9

seeks privileged information which is irrelevant to the subject matter of these proceedings.

Rule 401 of the Federal Rules of Evidence provides that

Evidence is relevant if:

- (a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b)** the fact is of consequence in determining the action.

Under this definition, which should provide guidance to the Commission, the requested agreements are not relevant to whether the Postal Service's proposal in this case comports with the policies of Title 39. Specifically, the contents of the contract and Statement of Work between Mr. Kacha's firm, decision/analysis partners, LLC ("DAP") and the APWU, and the contract and statement of work between DAP and the Office of the Inspector General would not make a consequential fact in the Commission's Advisory Opinion in this case more or less probable.

It is unclear for what purpose the requested information might be necessary, or what fact the Postal Service is hoping to uncover that is consequential to the outcome of this proceeding. While the model was originally created for use by the USPS OIG, that precise model has not been presented in this case. Therefore, the specific terms of the agreement between DAP and the USPS OIG are clearly beyond the scope of the current proceedings and the testimony presented by Mr. Kacha.

Furthermore, the scope of the modeling effort conducted by DAP for both the APWU and the USPS OIG is readily available from Mr. Kacha's testimony in this case and the USPS OIG white paper<sup>1</sup>, respectively. In his testimony and associated library references, Mr. Kacha has provided all the information and data necessary to understand the assumptions underlying the model, how to run the model and the results of the model. Nothing contained in the contracts covering DAP's work for the APWU or

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<sup>1</sup> "A Strategy for a Future Mail Processing & 16 Transportation Network" (RARC-WP-11-006).

the USPS OIG would elucidate any information important or necessary to evaluate the assertions and conclusions contained in Mr. Kacha's testimony.

Notwithstanding these objections, in order to avoid a prolonged discovery dispute, APWU will provide the Statement of Work governing the DAP project undertaken for the APWU.

Respectfully submitted,

Jennifer L. Wood  
Counsel for American Postal Workers Union, AFL-CIO